

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claims 19-62 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17, 19, and 20 of copending Application no. 09/467,693.

Claims 19-62 stand rejected under § 102(b) and § 102 (e) as allegedly being anticipated by U.S. patent no. 5,784,443 (hereinafter "Chapman"), and by U.S. patent no. 5,987,430 (hereinafter "Van Horne").

### **2. Provisional Double Patenting Rejection**

The allegedly conflicting claims of the copending Application no. 09/467,693 have not in fact been patented. At the time when the aforementioned application matures into a patent, and if it is still found that the claims of such patent are not patentably distinct from claims 19-62 of the present invention, the Applicants will file a terminal disclaimer in compliance with 37 CFR 1.321(c).

### **3. Response to § 102 Rejections**

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

#### **i. NEITHER CHAPMAN NOR VAN HORNE TEACH EVERY ELEMENT OF CLAIM**

**19**

Claim 19, as amended, reads as follows:

“19. A method of processing payment for a transaction concluded between a transaction provider and an electronic terminal connected to a communications network, the method including:

receiving a unique identifier associated with the electronic terminal;  
identifying a telephone account associated with the unique identifier;  
receiving transaction data relating to the transaction and from which a monetary charge associated with the transaction is determinable, the transaction being concluded via the Internet; and  
including the monetary charge in the telephone account.”

Chapman is directed at a system and method for providing diverse types of pricing and billing information for customer use of *telephone services* offered by a telecommunications network, and to manage different types of telephone service products in a single stream process for a telephone company (Chapman, 1: 42-45). Chapman is also directed at a system and method to manage different types of *telephone service* products in a single stream process for a telephone company (Chapman, 1: 46-48).

Chapman discloses creating and maintaining records of customer use of a telecommunication network for diverse types of services and costs (Chapman, abstract), but does not disclose the limitation of including the monetary charge in a telephone account, the transaction being concluded via the Internet, as required by claim 19. Although Chapman discloses utilizing dedicated access terminals, as well as packet-switched data sources based on other networks to provide services (Chapman, 3: 22-26), Chapman does not describe or even suggest transactions concluded via the Internet, as required by claim 19. Because not every element of claim 19 is disclosed in Chapman, claim 19 and its dependent claims 20-31 are patentable in view of Chapman and should be allowed.

Van Horne is directed at a system for connecting a plurality of client systems to a server system via access ports and associated communications linkages and providing electronic communications network access for the client systems through the server system (Van Horne, 4: 5-9). In Van Horne, the server software tracks and controls access through each of the access ports linked with the server. The server software includes billing features that provide billing options to respective client systems linked with the server, record billing preferences, transmit billing data to approval systems and receive approvals or rejections from the approval systems, transmit approval or rejection signals to the client systems, track system usage by the client systems, monitor log off times and activity times, determine billing amounts and charge respective billing accounts (Van Horne, 4: 17-25). Van Horne further discloses an embodiment, where the user is given the choices of billing through credit card, smart card, hotel room bill

or a prepaid account, and other options, such as debit card billing, pre-paid access card, Internet banking or electronic checking (Van Horne, 12: 50-55).

Although Van Horne discloses providing billing options to respective client systems linked with the server, transmitting billing data to approval systems, determining billing amounts and charging respective billing accounts (Van Horne, 4: 17-25), Van Horne does not describe or even suggest including the monetary charge associated with a transaction concluded via the Internet, in a telephone account, as required by claim 19. On the contrary, in Van Horne, the user is given the choices of billing through credit card, smart card, hotel room bill or a prepaid account, debit card billing, pre-paid access card, Internet banking or electronic checking (Van Horne, 12: 50-55). All of these options are distinct from including the monetary charge associated with the transaction concluded via the Internet, in the telephone account, as required by claim 19. Because not every element of claim 19 is disclosed in Van Horne, claim 19 and its dependent claims 20-31 are patentable in view of Van Horne and should be allowed.

**ii. NEITHER CHAPMAN NOR VAN HORNE TEACH EVERY ELEMENT OF CLAIM**

**32**

Claim 32, as amended, reads as follows:

“32. A computer product including a medium readable by a processor, the medium having stored thereon instructions which, when executed by the processor, cause the processor to:

receive a unique identifier associated with an electronic terminal connected to a communications network;

identify a telephone account associated with the unique identifier;

receive transaction data relating to a transaction between the electronic terminal and a transaction provider and from which data a monetary charge associated with the transaction is determinable, the transaction being concluded via the Internet; and

including the monetary charge in the telephone account.”

As has been discussed earlier with respect to claim 19, neither Chapman nor Van Horne disclose the limitation of including a monetary charge associated with the transaction in a telephone account, the transaction being concluded via the Internet, as required by claim 32. Thus, claim 32 and its dependent claims 33-43 are allowable for at least the reasons articulated with respect to claim 19.

**iii. NEITHER CHAPMAN NOR VAN HORNE TEACH EVERY ELEMENT OF CLAIM**

**44**

Claim 44, as amended, reads as follows:

“44. A station for processing payment for a transaction concluded between a transaction provider and an electronic terminal connected to a communications network, the station when processing a transaction:

receiving a unique identifier associated with the electronic terminal;

identifying a telephone account associated with the unique identifier;

receiving transaction data relating to the transaction and from which a monetary charge associated with the transaction is determinable, the transaction being concluded via the Internet; and  
including the monetary charge in the telephone account.”

As has been discussed earlier with respect to claim 19, neither Chapman nor Van Horne disclose the limitation of including a monetary charge associated with the transaction in a telephone account, the transaction being concluded via the Internet, as required by claim 44. Thus, claim 44 and its dependent claims 45-56 are allowable for at least the reasons articulated with respect to claim 19.

**iv. NEITHER CHAPMAN NOR VAN HORNE TEACH EVERY ELEMENT OF CLAIM**

**57**

Claim 57 reads as follows:

“57. A method of determining a credit risk associated with a transaction between a transaction provider and an electronic terminal connected to a communications network, the method including:

capturing a telephone number of a communication line via which the electronic terminal is connected to the network; and

checking the captured telephone number against telephone numbers accumulated in a reference data base.”

Neither Chapman, nor Van Horne disclose every element of claim 57. In particular, the Office Action failed to show that either of the above-identified references disclose either "a reference data base", or "checking the captured telephone number against telephone numbers accumulated in a reference data base", as required by claim 57.

Although Van Horne discloses a typical dial-up Internet connection, where the user's computer is equipped with a modem, which dials a telephone number for the network (Van Horne, 1: 56-59), Van Horne does not disclose or even suggest checking the captured telephone number against telephone numbers accumulated in a reference data base, as required by claim 57. Referring to Chapman, Chapman discloses a system and method for providing diverse types of pricing and billing information for customer use of telephone services offered by a telecommunications network (Chapman, 1: 46-48). This is distinct, however, from checking the captured telephone number against telephone numbers accumulated in a reference data base as required by claim 57. Further, Chapman and Van Horne are totally unrelated to a method of determining a credit risk.

Because not every element of claim 57 is disclosed in Van Horne, claim 57 and its dependent claims 58-62 are patentable in view of Van Horne and should be allowed. Because not every element of claim 57 is disclosed in Chapman, claim 57 and its dependent claims 58-62 are patentable in view of Chapman and should be allowed.

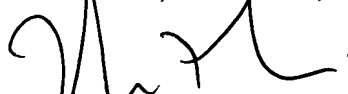
#### 4. Conclusion

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666.

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Respectfully submitted,  
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